

48A C.J.S. Judges § 222

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

VIII. Liabilities

A. General Considerations

§ 222. Penalties

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

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Under some statutes, provision is made for the recovery of a penalty from a judge for breach of specified duties.

Under some statutes, provision is made for the recovery of a penalty by the party aggrieved for a breach by the judge of specified duties¹ as, for example, where a judge exacts illegal fees.² It is no defense that the taking of such fees was due to mistake,³ direction of the prosecuting attorney,⁴ ignorance,⁵ absence of a corrupt motive,⁶ or the existence of an agreement by the party injured.⁷

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Footnotes

¹ Ga.—*National Sur. Corp. v. Gatlin*, 192 Ga. 293, 15 S.E.2d 180 (1941).

² Colo.—*Cummings v. Aiken*, 82 Colo. 391, 260 P. 524 (1927).

- 3 Neb.—Downey v. Coykendall, 89 Neb. 21, 130 N.W. 983 (1911).
- 4 Neb.—Downey v. Coykendall, 81 Neb. 648, 116 N.W. 503 (1908).
- 5 Neb.—Downey v. Coykendall, 89 Neb. 21, 130 N.W. 983 (1911).
- 6 Neb.—Downey v. Coykendall, 89 Neb. 21, 130 N.W. 983 (1911).
- 7 Neb.—Downey v. Coykendall, 89 Neb. 21, 130 N.W. 983 (1911).

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